

4/13/18

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Chapter No. 457  
18/SS36/R1121SG  
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## ***SENATE BILL NO. 2773***

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2773

AN ACT TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2018; TO TRANSFER BUDGET CONTINGENCY FUNDS TO THE CLEVELAND CLINIC; TO TRANSFER CAPITAL EXPENSE FUNDS TO THE GREENVILLE AIRPORT, AIR SERVICE DEVELOPMENT ACT AND THE DEPARTMENT OF REVENUE; TO REPEAL SECTION 22, CHAPTER 99, LAWS OF 2017, WHICH PROVIDES FOR THE FUNDING OF A CERTAIN NUMBER OF HOME- AND COMMUNITY-BASED WAIVER SLOTS BY THE STATE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 37, CHAPTER 102, LAWS OF 2017, TO INCREASE THE MAXIMUM AMOUNT OF GENERAL FUNDS APPROPRIATED TO THE STATE DEPARTMENT OF EDUCATION THAT SHALL BE USED FOR THE SCHOOL RECOGNITION PROGRAM; TO AMEND SECTION 37, CHAPTER 102, LAWS OF 2017, TO INCREASE THE NUMBER OF PERMANENT TIME-LIMITED POSITIONS FOR THE STATE DEPARTMENT OF EDUCATION THAT SHALL BE USED FOR VOCATIONAL TECHNICAL EDUCATION; TO AMEND SECTION 13, CHAPTER 64, LAWS OF 2017, WHICH AUTHORIZES THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO TRANSFER SPENDING AUTHORITY BETWEEN AND WITHIN BUDGETS, TO DELETE THE PROHIBITION ON TRANSFERS THAT INCREASE THE MAJOR OBJECT OF EXPENDITURE FOR SALARIES; TO AMEND SECTION 3, CHAPTER 1, LAWS OF 2017, WHICH TRANSFERS CERTAIN AMOUNTS IN THE FISCAL YEAR 2018 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY AMONG VARIOUS CATEGORIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** During Fiscal Year 2018, the State Fiscal Officer shall transfer to the Capital Expense Fund out of the following enumerated funds, the amounts listed below from each fund:

FUND	FUND NUMBER	AMOUNT
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Unclaimed Property Fund	3317800000	\$17,911,475.00
Department of Revenue	3376900000	\$ 7,400,000.00
Hurricane Disaster Reserve Fund	667SS00000	\$ <u>18,850.00</u>
TOTAL		\$25,330.325.00

**SECTION 2.** During Fiscal Year 2019, the State Fiscal Officer shall transfer One Million Five Hundred Thousand Dollars (\$1,500,000.00) of Budget Contingency Funds to the Mississippi Development Authority for the National Diabetes and Obesity Research Center for contracting with the Cleveland Clinic; and Three Million Six Hundred Seventy-six Thousand Five Hundred Sixty-six Dollars (\$3,676,566.00) of Capital Expense Funds to the Department of Corrections for medical and private prisons.

**SECTION 3.** For Fiscal Year 2019, the State Fiscal Officer shall transfer to the Mississippi Development Authority Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) of Capital Expense Funds for the Greenville Airport and Seven Hundred Fifty Thousand Dollars (\$750,000.00) of Capital Expense Funds for the Air Service Development Act.

Notwithstanding the amount transferred under the provisions of the section, in no event shall the amount transferred exceed the amount lapsed for these projects at the end of Fiscal Year 2018.

**SECTION 4.** For Fiscal Year 2019, the State Fiscal Officer shall transfer One Million Eight Hundred Thousand Dollars (\$1,800,000.00) of Capital Expense Funds to the Department of

Revenue. The department shall have the authority to receive, escalate, budget and expend the funds provided within this section in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

**SECTION 5.** Section 22, Chapter 99, Laws of 2017, which provides for the funding of a certain number of Home and Community-Based Waiver slots by the State Department of Mental Health, is repealed.

**SECTION 6.** Section 37, Chapter 102, Laws of 2017, is amended as follows:

Section 37. Of the funds appropriated in Section 1(a), \* \* \* Twenty Million Four Hundred Forty-seven Thousand Sixty-six Dollars (\$20,447,066.00) shall be used for the School Recognition Program authorized by Section 37-19-10, Mississippi Code of 1972.

**SECTION 7.** Section 5, Chapter 102, Laws of 2017, is amended as follows:

Section 5. Of the funds appropriated in this act, the following positions are authorized for the State Department of Education, excluding the expenses of the Vocational and Technical Education Division:

AUTHORIZED POSITIONS:

Permanent:	Full Time.....	392
	Part Time.....	3
Time-Limited:	Full Time.....	* * * <u>151</u>

Part Time.....

0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2019 do not exceed Fiscal Year 2018 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2018 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2018 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2018 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or

allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 8.** Section 13, Chapter 64, Laws of 2017, is amended as follows:

Section 13. The Commissioner of the Mississippi Department of Corrections is hereby authorized to transfer spending authority between and within budgets, both positions and funds, in an amount not to exceed twenty-five percent (25%) of the authorized budgets in the aggregate. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the

fifteenth of the month prior to the effective date of the transfer. \* \* \*

**SECTION 9.** Section 3, Chapter 1, Laws of 2017, is amended as follows:

Section 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure and authorized positions:

**DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL**

**MAJOR OBJECTS OF EXPENDITURE:**

Personal Services:

Salaries, Wages and Fringe

Benefits ..... \$ \* \* \* 61,923,204.00

Travel and Subsistence ..... \* \* \* 271,800.00

Contractual Services ..... 22,555,287.00

Commodities ..... 5,776,238.00

Capital Outlay:

Other Than Equipment ..... 0.00

Equipment ..... \* \* \* 2,172,371.00

Vehicles ..... 3,224,415.00

Wireless Communication Devices ..... 5,700.00

Subsidies, Loans and Grants ..... \* \* \* 1,547,309.00

Total ..... \$ 97,476,324.00

**FUNDING:**

General Funds ..... \$ 58,308,064.00

Special Funds ..... 39,168,260.00

Total ..... \$ 97,476,324.00

AUTHORIZED POSITIONS:

Permanent: Full Time ..... 1,115

Part Time ..... 0

Time-Limited: Full Time ..... 22

Part Time ..... 3

**DIVISION OF LAW ENFORCEMENT TRAINING ACADEMY**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits.. \$ 665,998.00

Travel and Subsistence ..... 0.00

Contractual Services ..... 545,000.00

Commodities ..... 310,856.00

Capital Outlay:

Other Than Equipment ..... 0.00

Equipment ..... 82,840.00

Vehicles ..... 0.00

Wireless Communication Devices ..... 0.00

Subsidies, Loans and Grants ..... 370,970.00

Total ..... \$ 1,975,664.00

FUNDING:

General Funds ..... \$ 288,110.00

Special Funds ..... 1,687,554.00

Total ..... \$ 1,975,664.00



AUTHORIZED POSITIONS:

Permanent:	Full Time .....	15
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**DIVISION OF SUPPORT SERVICES**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits ..	\$	2,714,714.00
Travel and Subsistence .....	* * *	<u>10,163.00</u>
Contractual Services .....	* * *	<u>4,200,610.00</u>
Commodities .....	* * *	<u>102,199.00</u>

Capital Outlay:

Other Than Equipment .....		0.00
Equipment .....		56,517.00
Vehicles .....		0.00
Wireless Communication Devices .....		0.00
Subsidies, Loans and Grants .....	* * *	<u>1,490,273.00</u>
Total .....	\$ * * *	<u>8,574,476.00</u>

FUNDING:

General Funds ...	\$ * * *	<u>3,736,141.00</u>
Special Funds .....		<u>4,838,335.00</u>
Total .....	\$ * * *	<u>8,574,476.00</u>

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	58
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Part Time .....	0
Time-Limited: Full Time .....	1
Part Time .....	0

### DIVISION OF CRIME LABORATORIES

#### MAJOR OBJECTS OF EXPENDITURE:

##### Personal Services:

Salaries, Wages and Fringe Benefits .. \$	6,704,865.00
Travel and Subsistence .....	49,000.00
Contractual Services .....	* * * <u>1,689,167.00</u>
Commodities .....	* * * <u>623,737.00</u>

##### Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	146,294.00
Vehicles .....	0.00
Wireless Communication Devices .....	1,000.00
Subsidies, Loans and Grants .....	* * * <u>5,000.00</u>
Total .....	\$ 9,219,063.00

#### FUNDING:

General Funds .....	\$ 6,858,605.00
Special Funds .....	<u>2,360,458.00</u>
Total .....	\$ 9,219,063.00

#### AUTHORIZED POSITIONS:

Permanent: Full Time .....	88
Part Time .....	0
Time-Limited: Full Time .....	11

Part Time ..... 0

**DIVISION OF MEDICAL EXAMINER**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .. \$	1,271,889.00
Travel and Subsistence .....	10,000.00
Contractual Services .....	1,106,237.00
Commodities .....	206,264.00

Capital Outlay:

Other Than Equipment .....	0 00
Equipment .....	4,389.00
Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	<u>20,000.00</u>
Total .....	\$ 2,618,779.00

FUNDING:

General Funds .....	\$ 487,775.00
Special Funds .....	<u>2,131,004.00</u>
Total .....	\$ 2,618,779.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	11
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**DIVISION OF PUBLIC SAFETY PLANNING**

## OFFICE OF PUBLIC SAFETY PLANNING

### MAJOR OBJECTS OF EXPENDITURE:

#### Personal Services:

Salaries, Wages and Fringe Benefits .. \$	1,430,772.00
Travel and Subsistence .....	82,912.00
Contractual Services .....	* * * <u>1,232,263.00</u>
Commodities .....	138,795.00

#### Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	0.00
Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	* * * <u>23,753,824.00</u>
Total .....	\$ 26,638,566.00

### FUNDING:

General Funds .....	\$ 232,810.00
Special Funds .....	<u>26,405,756.00</u>
Total .....	\$ 26,638,566.00

### AUTHORIZED POSITIONS:

Permanent:	Full Time .....	5
	Part Time .....	0
Time-Limited:	Full Time .....	33
	Part Time .....	0

## DIVISION OF PUBLIC SAFETY PLANNING

## OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits ..	\$ * * *	<u>311,347.00</u>
Travel and Subsistence .....		4,500.00
Contractual Services .....	* * *	<u>114,065.00</u>
Commodities .....		10,020.00

Capital Outlay:

Other Than Equipment .....		0.00
Equipment .....		3,000.00
Vehicles .....		0.00
Wireless Communication Devices .....		0.00
Subsidies, Loans and Grants .....	* * *	<u>1,863,097.00</u>
Total .....	\$	2,306,029.00

FUNDING:

General Funds .....	\$	2,306,029.00
Special Funds .....		<u>0.00</u>
Total .....	\$	2,306,029.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	6
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**DIVISION OF PUBLIC SAFETY PLANNING**

**BOARD OF EMERGENCY TELECOMMUNICATIONS**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .. \$	101,998.00
Travel and Subsistence .....	* * * <u>3,500.00</u>
Contractual Services .....	* * * <u>51,550.00</u>
Commodities .....	5,650.00

Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	0.00
Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	* * * <u>547,830.00</u>
Total .....	\$ 710,528.00

FUNDING:

General Funds .....	\$ 0.00
Special Funds .....	<u>710,528.00</u>
Total .....	\$ 710,528.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	2
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**DIVISION OF PUBLIC SAFETY PLANNING**

**COUNCIL ON AGING**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .. \$	113,299.00
Travel and Subsistence .....	3,625.00
Contractual Services .....	15,896.00
Commodities .....	1,461.00
Capital Outlay:	
Other Than Equipment .....	0.00
Equipment .....	0.00
Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	<u>67,677.00</u>
Total .....	\$ 201,958.00

FUNDING:

General Funds .....	\$ 201,958.00
Special Funds .....	<u>0.00</u>
Total .....	\$ 201,958.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	1
	Part Time .....	0
Time-Limited:	Full Time .....	1
	Part Time .....	0

**COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .	\$ * * * <u>54,862.00</u>
Travel and Subsistence .....	100.00

Contractual Services .....	* * *	<u>5,962.00</u>
Commodities .....		160.00
Capital Outlay:		
Other Than Equipment .....		0.00
Equipment .....		0.00
Vehicles .....		0.00
Wireless Communication Devices .....		0.00
Subsidies, Loans and Grants .....	* * *	<u>291,696.00</u>
Total .....	\$	352,780.00

FUNDING:

General Funds .....	\$	352,780.00
Special Funds .....		<u>0.00</u>
Total .....	\$	352,780.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	1
	Part Time .....	0
Time-Limited:	Full Time .....	0
	Part Time .....	0

**OFFICE OF HOMELAND SECURITY**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits ..	\$	1,368,814.00
Travel and Subsistence .....		47,816.00
Contractual Services .....		750,785.00
Commodities .....		144,172.00



Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	23,567.00
Vehicles .....	0.00
Wireless Communication Devices .....	196.00
Subsidies, Loans and Grants .....	<u>16,366,189.00</u>
Total .....	\$ 18,701,539.00

FUNDING:

General Funds .....	\$ 86,830.00
Special Funds .....	<u>18,614,709.00</u>
Total .....	\$ 18,701,539.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	9
	Part Time .....	0
Time-Limited:	Full Time .....	10
	Part Time .....	0

**BUREAU OF NARCOTICS**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe	
Benefits .....	\$ * * * <u>10,641,946.00</u>
Travel and Subsistence .....	25,000.00
Contractual Services .....	953,372.00
Commodities .....	1,003,012.00

Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	165,904.00
Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	<u>709,226.00</u>
Total .....	\$ * * * <u>13,498,460.00</u>

FUNDING:

General Funds .....	\$ * * * <u>11,593,161.00</u>
Special Funds .....	<u>1,905,299.00</u>
Total .....	\$ * * * <u>13,498,460.00</u>

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	184
	Part Time .....	0
Time-Limited:	Full Time .....	8
	Part Time .....	0

**JUVENILE FACILITY MONITORING UNIT**

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits .	\$ * * * <u>166,584.00</u>
Travel and Subsistence .....	5,934.00
Contractual Services .....	* * * <u>108,172.00</u>
Commodities .....	9,882.00

Capital Outlay:

Other Than Equipment .....	0.00
Equipment .....	0.00

Vehicles .....	0.00
Wireless Communication Devices .....	0.00
Subsidies, Loans and Grants .....	<u>0.00</u>
Total .....	\$ 290,572.00

FUNDING:

General Funds .....	\$ 56,568.00
Special Funds .....	<u>234,004.00</u>
Total .....	\$ 290,572.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	0
	Part Time .....	0
Time-Limited:	Full Time .....	3
	Part Time .....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2019 do not exceed Fiscal Year 2018 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2018 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2018

appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2018 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

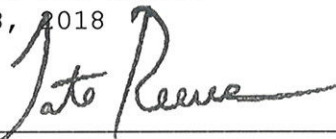
No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service Publication 15-A relating to

the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

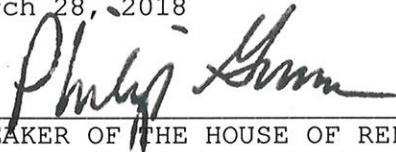
**SECTION 10.** This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE  
March 28, 2018



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 28, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 13, 2018  
10:36 AM